

**MOTOR VEHICLE SAFETY INSPECTION**

**AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: D. Chris Buttars**

**This act modifies the Public Safety Code by authorizing a safety inspection apprenticeship program for high schools, beginning on January 1, 2002. This act amends the frequency for the safety inspection of vehicles and increases the authorized safety inspection fees. This act takes effect on July 1, 2001.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53-8-204**, as last amended by Chapter 238, Laws of Utah 1998

**53-8-205**, as last amended by Chapters 128 and 238, Laws of Utah 1998

**53-8-206**, as last amended by Chapter 238, Laws of Utah 1998

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-8-204** is amended to read:

**53-8-204. Division duties -- Official inspection stations -- Permits -- Fees --**

**Suspension or revocation -- Utah-based interstate commercial motor carriers.**

(1) The division shall:

(a) conduct examinations of every safety inspection station permit applicant and safety inspector certificate applicant to determine whether the applicant is properly equipped and qualified to make safety inspections;

(b) issue safety inspection station permits and safety inspector certificates to qualified applicants;

(c) establish application, renewal, and reapplication fees in accordance with Section 63-38-3.2 for safety inspection station permits and safety inspector certificates;

(d) provide instructions and all necessary forms, including safety inspection certificates,



28 to safety inspection stations for the inspection of motor vehicles and the issuance of the safety  
29 inspection certificates;

30 (e) charge a \$1.50 fee for each safety inspection certificate;

31 (f) investigate complaints regarding safety inspection stations and safety inspectors;

32 (g) compile and publish all applicable safety inspection laws, rules, instructions, and  
33 standards and distribute them to all safety inspection stations and provide updates to the compiled  
34 laws, rules, instructions, and standards as needed;

35 (h) establish a fee in accordance with Section 63-38-3.2 to cover the cost of compiling and  
36 publishing the safety inspection laws, rules, instructions, and standards and any updates; and

37 (i) assist the council in conducting its meetings and hearings.

38 (2) (a) (i) Receipts from the fees established in accordance with Subsection (1)(h) are fixed  
39 collections to be used by the division for the expenses of the Utah Highway Patrol incurred under  
40 Subsection (1)(h).

41 (ii) Funds received in excess of the expenses under Subsection (1)(h) shall be deposited  
42 in the Transportation Fund.

43 (b) (i) The first \$.50 of the fee under Subsection (1)(e) is a dedicated credit to be used  
44 solely by the Utah Highway Patrol for the expenses of administering this section.

45 (ii) Funds in excess of the first \$.50 collected under Subsection (1)(e) shall be deposited  
46 in the Transportation Fund.

47 (iii) The dedicated credits described under Subsection (2)(b)(i) are in addition to any other  
48 appropriations provided to administer the safety inspection program duties under this section.

49 (3) The division may:

50 (a) before issuing a safety inspection permit, require an applicant, other than a fleet station  
51 or government station, to file a bond that will provide a guarantee that the applicant safety  
52 inspection station will make compensation for any damage to a motor vehicle during an inspection  
53 or adjustment due to negligence on the part of an applicant or his employees;

54 (b) establish procedures governing the issuance of safety inspection certificates to  
55 Utah-based interstate commercial motor carriers; and

56 (c) suspend, revoke, or refuse renewal of any safety inspection station permit issued when  
57 the division finds that the safety inspection station is not:

58 (i) properly equipped; or

59 (ii) complying with rules made by the division; and  
60 (d) suspend, revoke, or refuse renewal of any safety inspection station permit or safety  
61 inspector certificate issued when the station or inspector has violated any safety inspection law or  
62 rule.

63 (4) The division shall maintain a record of safety inspection station permits and safety  
64 inspector certificates issued, suspended, revoked, or refused renewal under Subsection (3)(c).

65 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
66 division shall make rules:

67 (a) setting minimum standards covering the design, construction, condition, and operation  
68 of motor vehicle equipment for safely operating a motor vehicle on the highway;

69 (b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can  
70 be operated safely;

71 (c) establishing safety inspection station building, equipment, and personnel requirements  
72 necessary to qualify to perform safety inspections;

73 (d) establishing age, training, examination, and renewal requirements to qualify for a safety  
74 inspector certificate;

75 (e) establishing a safety inspection apprenticeship program for high school students,  
76 beginning on January 1, 2002;

77 [~~e~~] (f) establishing requirements:

78 (i) designed to protect consumers from unwanted or unneeded repairs or adjustments;

79 (ii) for maintaining safety inspection records;

80 (iii) for providing reports to the division; and

81 (iv) for maintaining and protecting safety inspection certificates;

82 [~~f~~] (g) establishing procedures for a motor vehicle that fails a safety inspection;

83 [~~g~~] (h) setting bonding amounts for safety inspection stations if bonds are required under  
84 Subsection (3)(a); and

85 [~~h~~] (i) establishing procedures for a safety inspection station to follow if the station is  
86 going out of business.

87 (6) The rules of the division:

88 (a) shall conform as nearly as practical to federal motor vehicle safety standards including  
89 49 CFR 393, 396, 396 Appendix G, and Federal Motor Vehicle Safety Standards 205; and

90 (b) may incorporate by reference, in whole or in part, the federal standards under  
91 Subsection ~~(6)~~(a) and nationally recognized and readily available standards and codes on motor  
92 vehicle safety.

93 Section 2. Section **53-8-205** is amended to read:

94 **53-8-205. Safety inspection required -- Safety inspection certificate required -- Out**  
95 **of state permits.**

96 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway  
97 a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety  
98 inspection.

99 (b) Subsection (1)(a) does not apply to:

- 100 (i) vehicles exempt from registration under Section 41-1a-205; and
- 101 (ii) off-highway vehicles.

102 (2) The frequency of the safety inspection shall be determined based on the age of the  
103 vehicle determined by model year and shall be required:

104 (a) for a vehicle that is three years old on January 1; and

105 [~~(a)~~] (b) each year for a vehicle that is five or more years old on January 1[; or].

106 [~~(b) every two years for each vehicle that is less than five years old on January 1 as~~  
107 ~~follows:]~~

108 [~~(i) in odd-numbered years for a vehicle with an odd-numbered model year; and]~~

109 [~~(ii) in even-numbered years for a vehicle with an even-numbered model year;]~~

110 (3) A safety inspection shall:

111 [~~(e)~~] (a) be made by a safety inspector certified by the division at a safety inspection station  
112 authorized by the division;

113 [~~(d)~~] (b) cover an inspection of the motor vehicle mechanism, brakes, and equipment to  
114 ensure proper adjustment and condition as required by department rules; and

115 [~~(e)~~] (c) include an inspection for the display of license plates in accordance with Section  
116 41-1a-404.

117 [~~(3)~~] (4) A safety inspection station shall issue a safety inspection certificate to the owner  
118 of each motor vehicle that passes a safety inspection under this section.

119 [~~(4)~~] (5) The division may:

120 (a) authorize the acceptance in this state of a safety inspection certificate issued in another

121 state having a safety inspection law similar to this state; and

122 (b) extend the time within which a safety inspection certificate must be obtained by the  
123 resident owner of a vehicle that was not in this state during the time a safety inspection was  
124 required.

125 Section 3. Section **53-8-206** is amended to read:

126 **53-8-206. Safety inspection -- Station requirements -- Permits not transferable --**  
127 **Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of permits.**

128 (1) The safety inspection required under Section 53-8-205 may only be performed:

129 (a) by a person certified by the division as a safety inspector; and

130 (b) at a safety inspection station with a valid safety inspection station permit issued by the  
131 division.

132 (2) A safety inspection station permit may not be assigned or transferred or used at any  
133 location other than a designated location, and every safety inspection station permit shall be posted  
134 in a conspicuous place at the location designated.

135 (3) If required by the division, a record and report shall be made of every safety inspection  
136 and every safety inspection certificate issued.

137 (4) A safety inspection station holding a safety inspection station permit issued by the  
138 division may charge:

139 (a) a fee as reimbursement for the safety inspection certificate fee as specified in  
140 Subsection 53-8-204(1)(e); and

141 (b) a reasonable fee for labor in performing safety inspections, not to exceed:

142 (i) [~~\$5~~] \$6 or less for motorcycles;

143 (ii) unless Subsection ~~(4)(b)(i)~~ or (iii) applies, [~~\$9~~] \$12 or less for motor vehicles; or

144 (iii) [~~\$12~~] \$16 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate  
145 disassembly of front hub or removal of rear axle for inspection.

146 (5) A safety inspection station may return unused safety inspection certificates in a  
147 quantity of ten or more and shall be reimbursed by the division for the cost of the safety inspection  
148 certificates.

149 (6) (a) Upon receiving notice of the suspension or revocation of a safety inspection station  
150 permit, the safety inspection station permit holder shall immediately terminate all safety inspection  
151 activities and return all safety inspection certificates and the safety inspection station permit to the

152 division.

153 (b) The division shall issue a receipt for all unused safety inspection certificates.

154 Section 4. **Effective date.**

155 This act takes effect on July 1, 2001.

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**Legislative Review Note**  
**as of 2-28-01 3:11 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**